

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

JOHNNY LEE SANDERS, JR.,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-20-01279-JD
)	
AEROTEK INC.,)	
)	
Defendant.)	

ORDER

On June 30, 2023, Defendant Aerotek Inc. filed a Motion to Compel Answers to Interrogatories, Responses to Requests for Production, and Answers to Plaintiff's Deposition ("Motion") [Doc. No. 61]. The Court shortened Plaintiff Johnny Lee Sanders, Jr.'s deadline to respond to the Motion by four (4) days from July 21, 2023, to July 17, 2023. Order [Doc. No. 62]; *see also* LCvR7.1(g) ("The court may shorten or lengthen the time in which to respond."). As of this date, Plaintiff still has not filed a response to the Motion or sought any extension of time to do so. Thus, Plaintiff does not contest the Motion.

Under Local Civil Rule 7.1(g), "[a]ny motion that is not opposed within 21 days may, in the discretion of the court, be deemed confessed." The Court thus deems the

Motion confessed by Plaintiff and GRANTS the Motion as unopposed.¹ Regardless, the discovery sought by Defendant in the Motion is within the requirements of the rules.²

Accordingly, under Federal Rules of Civil Procedure 26, 33, 34, and 37, the Court ORDERS Plaintiff, by **Friday, August 18, 2023**, to (1) provide complete and responsive answers to Defendant's Interrogatories Numbers 2 and 13 and (2) produce responsive materials to Defendant's Requests for Production Numbers 7, 8, 9, 10, 11, 12, 13, 14, 17, 25 and 30.

Plaintiff shall also provide, either by errata sheet (as requested by Defendant)³ or by limited continued deposition at his own expense (as requested by Defendant), responsive and complete answers to Defendant's deposition questions relating to his potential witnesses, including Porschia Penn, and his claims and EEOC Charge against his current employer, Amazon. Whether Plaintiff chooses to provide the information

¹ Other district courts have deemed a failure to respond to a motion to compel as not contesting the Motion, and this Court finds these cases persuasive and supportive of its determination here. *See, e.g., Guebara v. Finney Cnty. Sheriff's Dep't*, Case No. 5:19-cv-03025-JAR-KGG, 2023 WL 1778308, at *2 (D. Kan. Feb. 6, 2023) (viewing defendant's failure to respond or otherwise challenge plaintiff's motion to compel discovery as "uncontested" and granting the motion to compel); *Corbin v. Geren*, Case No. 07-4120-SAC, 2008 WL 11443105, at *1 (D. Kan. Dec. 19, 2008) (granting the motion to compel under local rules as uncontested where the plaintiff failed to file a response and the time for doing so had expired).

² As a pro se litigant, Plaintiff is held to the same rules and requirements as any other litigant, and the Court cannot advocate on his behalf. However, the Court has reviewed the discovery requests sought in the Motion, and they all seek information within the scope of discovery under the Federal Rules of Civil Procedure and thus are appropriate. *See* Fed. R. Civ. P. 26(a)(1); 26(b)(1); 30(a)(2); 33(a)(2); 34(a).

³ *See* Fed. R. Civ. P. 30(e).

sought in the Motion by submitting an errata sheet or by limited continued deposition, he shall be limited to the specific topics in the Motion. Further, if he chooses to submit an errata sheet, he must submit it to Defendant by **Friday, August 18, 2023**. If he chooses, instead, to provide the answers by a limited continued deposition, he must provide Defendant available dates for the deposition within four (4) days from today, or by **Monday, August 14, 2023**. The limited continued deposition, if any, shall be completed on or before **Friday, August 18, 2023**. Any limited continued deposition shall not cover other topics by either party and shall be limited to the topics sought in the Motion. *See* Motion at 2–3, 6–7.

If Plaintiff fails to respond to these discovery requests, fails to provide answers to Defendant’s deposition questions, or otherwise fails to comply with this Order, the Court may impose sanctions as provided by Federal Rule of Civil Procedure 37(b)(2)(A) and/or its inherent powers to manage its cases, including a dismissal of this action. The Court warns Plaintiff that any future failure to comply with any court order or the Local Civil Rules or Federal Rules of Civil Procedure may result in the dismissal of this action, without further notice or warning.

IT IS SO ORDERED this 10th day of August 2023.

A handwritten signature in black ink, appearing to read "Jodi W. Dishman", is written over a horizontal line.

JODI W. DISHMAN
UNITED STATES DISTRICT JUDGE